

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 17, 2005 PLANNING COMMISSION MEETING

**PROJECT #:** Change of Zone #05050

**PROPOSAL:** From AG Agricultural to H-2 Highway Business

**LOCATION:** North 70<sup>th</sup> Street and Arbor Road

**LAND AREA:** 49.1 acres, more or less.

**CONCLUSION:** Change to a commercial district would allow a significantly higher density of development than currently exists on a site located within the floodplain. Although change of zone requests rarely require conditions, Applicant has agreed in this case to grading limitations designed to preserve floodplain storage by limiting the amount of fill material. Pursuant to such an agreement, this change of zone may be approved.

<b><u>RECOMMENDATION:</u></b>	Approval once an agreement is signed
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** The East ½ of Lot 48 I.T., located in Section 27 T11N R7E, Lancaster County, Nebraska.

**EXISTING LAND USE AND ZONING:** Recreational facility                      AG Agricultural

### **SURROUNDING LAND USE AND ZONING:**

North:	Agriculture	AG Agricultural
South:	Salt Creek and NE treatment plant	P Public and AG Agricultural
East:	Agriculture	AG Agricultural
West:	Recreational facility	H-2 Highway Business

### **HISTORY:**

Dec 2002      Change of Zone #3383 requested a change of zone on the land to the west, also part of Abbott Sports Complex, from AG Agricultural to I industrial. The change was instead approved for H-2 Highway Business.

Aug 2002      Administrative Amendment #02063 requested additional uses. According to the application, additional uses included "class reunions, public assemblies, picnics, trade shows, exhibitions and other group gatherings, political events, indoor and outdoor entertainment events and fund raising activities to benefit

the sports complex or its programs. There will be no more than 45 days of accessory use in any one-year period.” The request was deemed beyond the scope of authority for administrative amendments, and was voided.

- Jul 2001      Administrative Amendment #01052 allowed an increase in the area reserved for Lincoln Public Schools use by approximately 1/3 acre.
- Apr 2001      Administrative Amendment #01027 approved the reservation of 20 acres for use by Lincoln Public Schools.
- Mar 2001      Special Permit #1447A requested an amendment to show future baseball fields and volleyball, basketball, and roller hockey courts in the area east to Salt Creek. Issues arose during review dealing with utility services. The application was determined to be incomplete and was eventually closed.
- Sep 1998      Administrative Amendment #98054 approved the use of a mobile press box for the championship field, provided it is removed when there are floodplain warnings for Salt Creek.
- Sep 1996      Administrative Amendment #96074 approved a change in the location and reduction in size of the multi-purpose building.
- Sep 1994      Administrative Amendment #94049 approved the relocation of several soccer fields, including moving the championship field to its current location along North 70<sup>th</sup> Street.
- Nov 1992      Special Permit #1447 approved a soccer facility. The resolution states the facility may have “20 regular soccer fields, 1 championship field, 9 practice fields, several picnic shelters and picnic areas, a soccer lodge with tournament headquarters area, concession area, first aid area and restrooms, a concession building with announcer’s booth and restrooms, an indoor multi-purpose facility, maintenance building with restrooms, and 1206 parking stalls.” The championship field was allowed to have seating and be lighted.
- Nov 1992      Annexation #92013 approved annexing this property into the city limits.
- May 1979      The zoning for this area was changed from A-A Rural and Public Use to AG Agricultural as part of the 1979 Zoning Update

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan shows this area as Green Space. (F 25)

**Green Space:** Areas predominantly used for active recreational uses, such as parks, golf courses, soccer or ball fields, and trails. Green Space areas may be either public or privately owned. While some isolated environmentally sensitive features may be within these areas, they are predominantly for active recreation, with some passive recreation uses also possible. (F 22)

**Commercial:** Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F 22)

#### **Commercial and Industrial Development Strategy**

The commercial and industrial development strategy presented below seeks to fulfill two notable objectives: (1) the approach is designed to provide flexibility to the marketplace in siting future commercial and industrial locations; while at the same time (2) offering neighborhoods, present and future home owners, other businesses, and infrastructure providers a level of predictability as to where such employment concentrations might be located. Balancing these two objectives in a meaningful way will require diligence, mutual understanding, and an ongoing planning dialogue. (F 37)

#### **General Principles for All Commercial & Industrial Uses**

Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan
- in areas compatible with existing or planned residential uses
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
- so that they enhance entryways or public way corridors, when developing adjacent to these corridors
- in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan. (F 38)

#### ***Environmental Resource Features:***

**Floodplains:** This feature refers to land that is susceptible to flooding or has flood prone soils. Floodplains provide multiple benefits to both the natural (flood storage, habitat, water quality) and built (recreation, public health and safety, economic) environments.

**Basins and Streams:** This feature refers to the region's watersheds and the waterways they produce. These area are demarcated by ridge lines that define the top of each basin. The primary basins and streams within Lancaster County include but are not limited to Salt Creek...Most of the county is within the Salt Creek basin. (F 53)

#### ***Core Resource Imperatives***

**Riparian, Floodplains, and Stream Corridors:** Streams and their adjoining corridors snake their way through much of Lancaster County. Throughout the region, surface water runoff flows into these stream corridors that typically consist of floodplains and riparian areas. These are instrumental in providing habitat and water infiltration benefits, along with serving as connectors to natural areas. (F 55)

***Current Planning and Development***

Include the consideration of the “Core Resource Imperatives” and other natural resource features in the plan review process - i.e., subdivision plats, changes of zone, use permits, etc. This may involve preparing written guidelines for looking at site vulnerability, habitat fragmentation, long term land manageability, green space connectedness, and other elements that implement the Plan’s natural resources concepts. (F 63)

Where setback and buffer provisions are provided for, the Planning Commission will consider requests for exception only if no economically viable use allowed within the designated area could occur as a result of the application of the setback and buffer provision, and that this circumstance is not purposefully brought about by any deliberate action of the owner or developer of the property. (F 64)

This area is located in ***Priority A of Tier I:***

**Tier I:** Defines the City of Lincoln’s near term growth area – generally a 40 square mile area which could reasonably expect urban services within the next twenty five year period. Land within this area should remain generally in the present use in order to permit future urbanization by the City.

**Priority A of Tier I:** Areas designated for near term development are generally contiguous to existing development and should be provided with basic infrastructure within 12 years of the adoption of the Plan. Some of the infrastructure required for development may already be in place. This area includes some land already annexed, but is still undeveloped and without significant infrastructure. Areas with this designation are the next priority for infrastructure programming. Some infrastructure improvements may be done in the near term while others, such as road improvements that are generally more costly, may take longer to complete.

**TRAFFIC ANALYSIS:** North 70<sup>th</sup> Street is shown as a Collector currently, and a Minor Arterial in the future. (E49, F103) Collectors serve as links between local street and the arterial system, provide access and circulation within residential, commercial, and industrial areas, and carry moderate to low traffic volumes. (F 105) Minor Arterials serve trips of moderate length, interconnect with and augment principal arterials, distribute traffic to smaller areas, place some emphasis on land access, and carry moderate to heavy traffic volumes. (F 103) This site has only one access onto North 70<sup>th</sup> Street. Both North 70<sup>th</sup> Street and Arbor Road in this area are proposed for improvement to 4 lanes plus turn lanes. (F 111) Currently, both North 70<sup>th</sup> Street and Arbor Road in this location are substandard streets, being either rural paved asphalt or substandard width with curb and gutter.

**ENVIRONMENTAL CONCERNS:** Public Works has commented that the area is adjacent to Salt Creek and entirely within the 100-year floodplain. It is in the Existing Urban Area for the purposes of flood standards, and would not be required to meet the flood standards for New growth Areas regarding compensatory storage and No Net Rise. The intensification of land use that could occur if the zoning is changed to H-2 for businesses and services that would be allowed by right without a site plan review could have an adverse impact on the floodplain.

**ANALYSIS:**

1. This is a request to rezone property used for a recreational facility from AG Agricultural to H-2 Highway Business.
2. Applicant has requested this change in order that Abbott Sports Complex may have greater flexibility to expand its operation and offer its facility for rent to other users.
3. The recreational facility that currently exists is allowed by special permit. The special permit approved a “soccer park,” and Applicant desires to provide other sports activities and alter fields for other sports as needed without amending their permit each time. The H-2 zoning district allows recreational facilities as a permitted use, and would allow these proposed revisions without the need for plan amendments.
4. The existing special permit does not have provisions to allow non-recreational functions, such as class reunions, trade shows, and political events, etc. previously requested. The H-2 district allows “club” as a permitted use, which allows gatherings for social, educational, or recreational purposes without the need for plan amendments.
5. If this zoning request is granted, the existing special permit for recreational facilities should be voided to the extent that the existing uses are permitted in the H-2 district.
6. The existing special permit has a provision that allows the championship field to be lighted. The H-2 zoning district requires a special permit for outdoor lighting for recreational facilities. If this zoning request is granted, the existing special permit may be continued as applied to the lighting for championship field, or a special permit for outdoor lighting for recreational facilities under the H-2 district may be requested.

Several other fields have lighting as well, none of which appears to be approved with the special permit. This lighting must be brought into conformance with the zoning ordinance.

7. The existing special permit allows the championship field to have stadium style seating. The H-2 zoning district allows recreational facilities as a permitted use, however, the definition for recreational facilities specifically states that it does not include arenas or stadia used primarily for spectators to watch athletic events. If this zoning request is granted, the existing special permit may be continued as applied to the seating for championship field.

Applicant has discussed the possibility of the Nebraska Tennis Center locating on a portion of this site with a stadium for tournament play. Such a stadium is not a permitted use in the H-2 zoning district. However, given the large size of this outdoor recreation complex, and the existing stadium for championship field, an additional stadium for one tennis court appears to be reasonable as an accessory use.

8. Due to the proximity of this area to Salt Creek, the floodplain covering the entire area, and the potential for significant increases in development density, the Public Works Department had originally opposed this request. However, through subsequent meetings, the Applicant and City Staff agreed on conditions under which this request could be approved. Those conditions deal largely with the grading of the area, limitations on the amount of fill, and using on-site fill material. This agreement should be signed prior to advancing this request to the City Council.
9. Public Works comments:
  - 9.1 The Abbott Sports Complex is served for transportation needs by North 70th Street abutting it and Arbor Road from 56th to 70th providing access from the I-80 and 56th interchange. Arbor Road and North 70th are shown as future 4-lane plus center turn lane future arterials in this vicinity. Arbor Road and North 70th are substandard streets (rural paved asphalt or substandard width curb and gutter streets).
  - 9.2 Expansion of the recreation facilities beyond the present use may raise traffic concerns. If the change of zone allows expansion and construction by right of additional facilities by only a building permit and the limited off-site improvements that can be required by building permit, Engineering Services is concerned that the expansion could occur without addressing transportation needs.
10. The traffic concerns generally surround ingress/egress for the site, as well as overall site access from the surrounding community and out-of-town visitors.
11. The H-2 district does provide a special permit for the sale of alcohol. Although no such use has been specifically proposed at this time, the Tennis Center has proposed a sports bar in the past. Should the sale of alcohol be desired, it may not be one that can be approved. The State regulations require a separation of 150 feet from a school, and Lincoln Public Schools is using a portion of this site. The City regulations do not require separation from a school.

**PRIOR TO SCHEDULING THIS REQUEST ON THE CITY COUNCIL AGENDA,  
APPLICANT MUST:**

- 1.1 Sign an agreement to the satisfaction of the Public Works and Planning Department and provide necessary documentation to supplement the agreement.

Prepared by:

Greg Czaplewski, 441-7620, gczaplewski@lincoln.ne.gov  
Planner

**Date:** August 5, 2005

**Applicant  
and  
Contact:** Pierson, Fitchett, Hunzeker, Blake & Katt  
Mark Hunzeker and Shanna Cole  
1045 Lincoln Mall, Suite 200  
Lincoln, NE 68508  
476.7621

**Owner:** Lincoln Sports Foundation  
7600 North 70<sup>th</sup> Street  
Lincoln, NE 68517



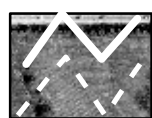
2005 aerial

## Change of Zone #05050 N. 70th & Arbor Rd.

### Zoning:

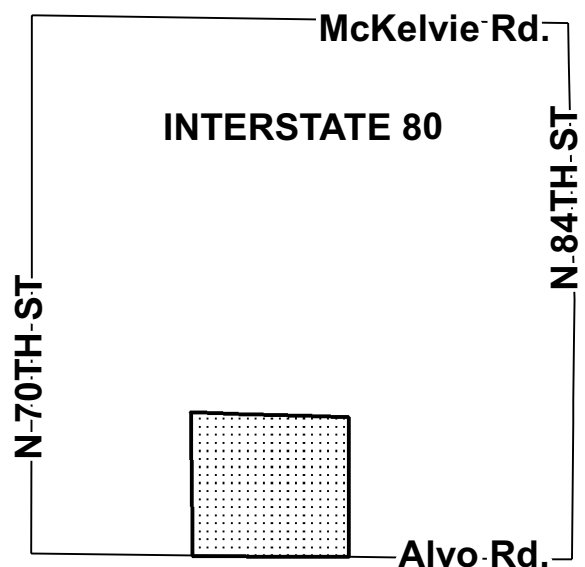
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 27 T11N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction





**Pierson|Fitchett**  
LAW FIRM

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Suite 200  
P.O. Box 95109  
Lincoln, NE 68509  
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fax (402) 476-7465  
[www.pierson-law.com](http://www.pierson-law.com)

Thomas J. Fitchett  
Mark A. Hunzeker  
William G. Blake  
Peter W. Katt  
William C. Nelson  
David P. Thompson  
Patrick D. Timmer  
Randy R. Ewing  
Shanna L. Cole  
Jason L. Scott

Gary L. Aksamit  
of Counsel

July 7, 2005

Marvin Krout  
Director of Planning  
Lincoln-Lancaster County Planning Dept.  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, Nebraska 68508

Re: *Change of Zone Application for Lincoln Sports Complex*

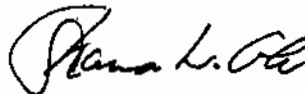
Dear Mr. Krout:

I certify that the owner of the property located at 7600 N. 70<sup>th</sup> Street, Lincoln, Nebraska 68517, and legally described as the East ½ of Lot 48 I.T., Section 27, Township 11 N, Range 7 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska is Lincoln Sports Foundation.

The purpose of the change of zone application is to allow a greater flexibility for the Abbott Sports Complex to expand its facility.

Please feel free to contact Mark Hunzeker with questions.

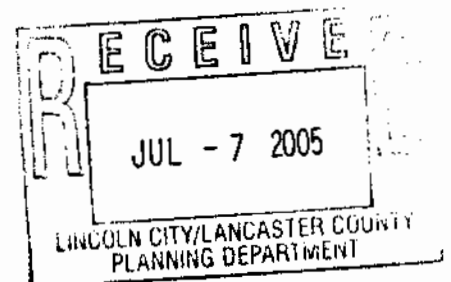
Sincerely,



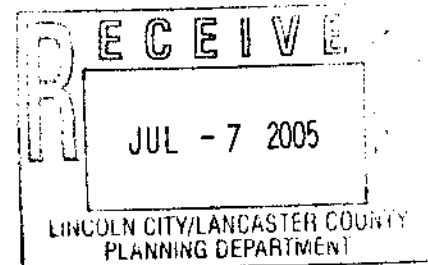
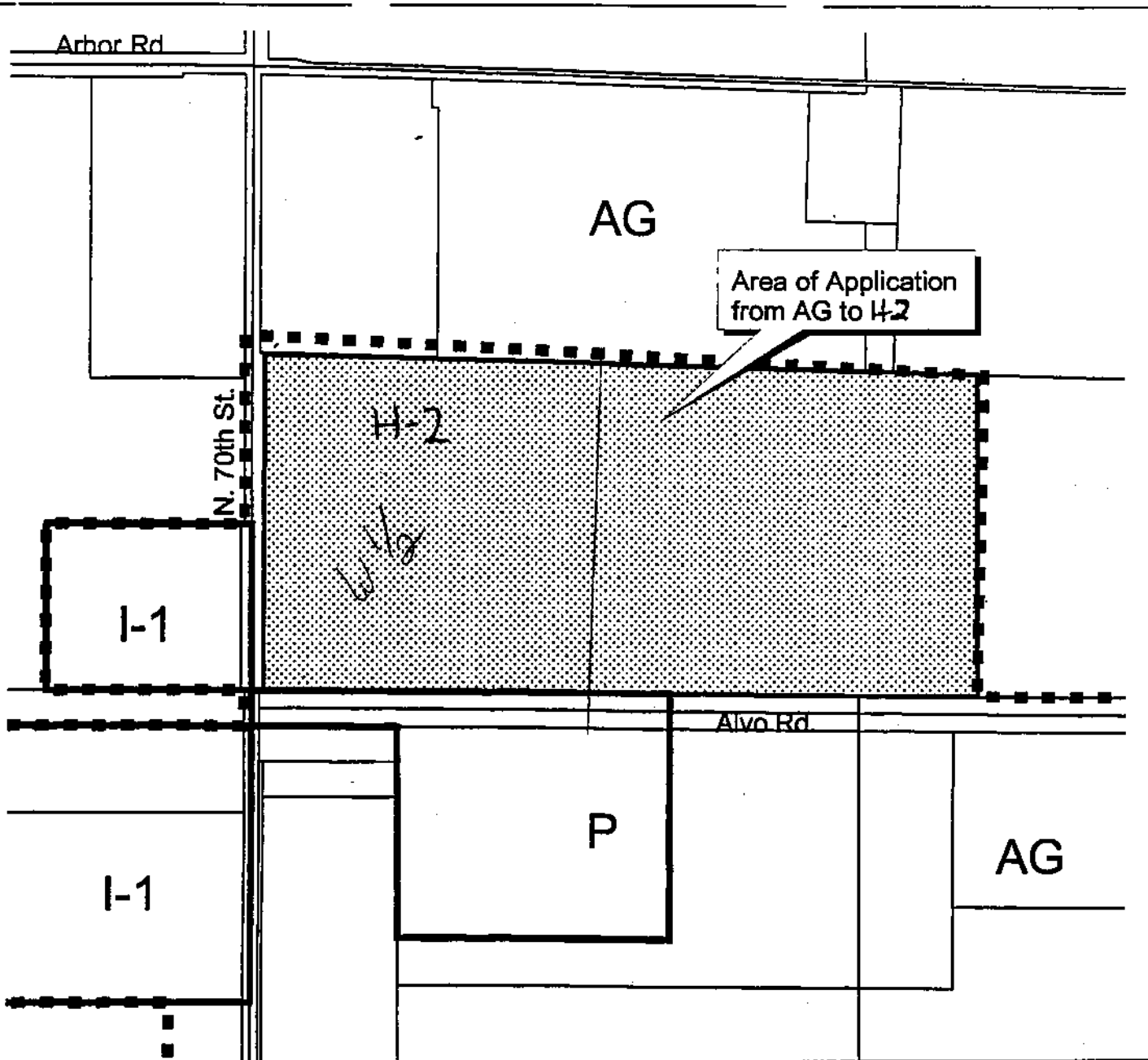
Shanna L. Cole  
For the Firm  
[scole@pierson-law.com](mailto:scole@pierson-law.com)

SLC:lt

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**Pierson, Fitchett, Hunzeker, Blake & Katt**



**The East ½ of Lot 48 I.T., Section 27, Township 11 N, Range 7 East of the  
6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska**

(G:\WPData\Sc\Lincoln Sports Foundation Legal Description.wpd)

